

REMARKS

Responsive to the Office Action dated October 23, 2009, Applicants respectfully submit the following remarks.

Claims 1-9 are pending. The Examiner has rejected claims 1-3 and 6 under 35 USC §102(e) as anticipated by USP 7,379,806 to Lee. Claims 4-5 and 7-9 stand rejected under 35 USC §103 as unpatentable over Lee. It is respectfully submitted that these rejections are improper and must be withdrawn.

The earliest effective date of Lee as a reference is its 35 USC 102(e) date of November 15, 2004. The present application is the national phase of International Application PCT/JP2004/013613 filed on September 17, 2004. Thus, September 17, 2004 is the effective filing date of the present application. 35 USC 363. Thus, the effective filing date of the present application in the United States, September 17, 2004, precedes the effective date of Lee as a reference, November 15, 2004. Accordingly, Lee is not a proper reference against the present application, and the rejections must be withdrawn.

Additionally, the present application claims benefit of a still-earlier application in Japan, No. 2003-335195 filed September 26, 2003.

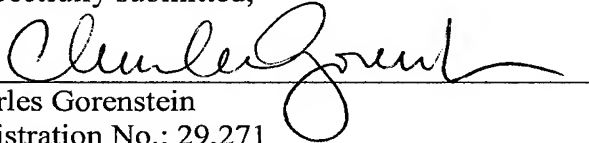
For the foregoing reasons, it is respectfully submitted that the rejection must be withdrawn. There being no other objections or rejections, it is submitted that the application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 22, 2010

Respectfully submitted,

By 

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